

CHAPTER 263

GOVERNMENT - STATE

HOUSE BILL 11-1002

BY REPRESENTATIVE(S) Nikkel, Becker, Conti, Ferrandino, Gerou, Liston, Looper, Murray, Priola, Schafer S., Sonnenberg, Stephens, Summers;
also SENATOR(S) Kopp, Jahn, King S., Roberts, Williams S.

AN ACT

CONCERNING THE CREATION OF AN ON-LINE DATABASE FOR THE DEPARTMENT OF TRANSPORTATION'S FINANCIAL INFORMATION, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-72.4-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-72.4-101. Legislative declaration. (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) ONLY A LIMITED NUMBER OF THE DEPARTMENT OF TRANSPORTATION'S TRANSACTIONS ARE INCLUDED IN THE STATE'S OFFICIAL BOOK OF RECORD, AND, ACCORDINGLY, MOST OF ITS REVENUES AND EXPENDITURES ARE NOT INCLUDED IN THE WEB-BASED SYSTEM;

(II) BECAUSE OF ACCOUNTING AND INFORMATION TECHNOLOGY DIFFERENCES, IT IS NOT FEASIBLE TO FULLY ASSIMILATE THE DEPARTMENT OF TRANSPORTATION INTO THE WEB-BASED SYSTEM; AND

(III) TAXPAYERS SHOULD STILL BE ABLE TO ACCESS THE DETAILS OF THE DEPARTMENT OF TRANSPORTATION'S FINANCES.

(b) NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION BE REQUIRED TO CREATE AND MAINTAIN A SEARCHABLE, ON-LINE REVENUE AND EXPENDITURE DATABASE AND THAT SUCH INFORMATION SHOULD BE ACCESSIBLE THROUGH THE WEB-BASED SYSTEM.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 24-72.4-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-72.4-102. Definitions. As used in this article, unless the context otherwise requires:

(1.3) "ON-LINE DATABASE" MEANS THE SEARCHABLE, ON-LINE REVENUE AND EXPENDITURE DATABASE DEVELOPED, MAINTAINED, AND MADE PUBLICLY AVAILABLE BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 24-72.4-105.

SECTION 3. 24-72.4-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-72.4-103. Web-based system - enhancements - procedure for challenging exclusions. (1) The chief information officer shall modify the web-based system to meet the following requirements:

(j) THE WEB-BASED SYSTEM SHALL INCLUDE A LINK TO THE ON-LINE DATABASE.

SECTION 4. Article 72.4 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-72.4-105. Department of transportation - revenue and expenditure - on-line database - link to web-based system. (1) NO LATER THAN JULY 1, 2012, THE DEPARTMENT OF TRANSPORTATION SHALL DEVELOP, MAINTAIN, AND MAKE PUBLICLY AVAILABLE A SEARCHABLE, ON-LINE REVENUE AND EXPENDITURE DATABASE.

(2) THE ON-LINE DATABASE MUST:

(a) INCLUDE THE FOLLOWING INFORMATION FOR ALL REVENUES RECEIVED BY THE DEPARTMENT OF TRANSPORTATION:

(I) THE AMOUNT RECEIVED;

(II) THE DATE OF RECEIPT;

(III) THE SOURCE OF THE MONEYS; EXCEPT THAT THE IDENTITY OF AN INDIVIDUAL MAKING A PAYMENT TO THE DEPARTMENT OF TRANSPORTATION SHOULD NOT BE INCLUDED;

(IV) THE REASON FOR THE PAYMENT;

(V) THE FUND IN WHICH THE MONEYS ARE DEPOSITED; AND

(VI) THE PROGRAM FOR WHICH THE MONEYS ARE RECEIVED;

(b) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), INCLUDE THE FOLLOWING INFORMATION FOR EACH EXPENDITURE MADE BY THE DEPARTMENT OF TRANSPORTATION:

- (A) THE AMOUNT OF MONEYS EXPENDED;
- (B) THE DATE OF THE TRANSACTION;
- (C) THE VENDOR THAT RECEIVED THE PAYMENT;
- (D) THE PURCHASE CATEGORY; AND
- (E) THE FUND FROM WHICH THE EXPENDITURE WAS MADE;

(II) INCLUDE ONLY THE FOLLOWING INFORMATION ABOUT PAYMENTS MADE TO EACH EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION:

- (A) THE PERSONNEL AREA OF THE EMPLOYEE;
- (B) THE EMPLOYEE'S JOB TITLE; AND
- (C) THE GROSS YEAR-TO-DATE PAYMENTS MADE TO THE EMPLOYEE;

(c) BE SEARCHABLE;

(d) BE UPDATED AT LEAST EVERY FIVE BUSINESS DAYS TO INCLUDE NEW EXPENDITURE AND REVENUE DATA;

(e) BEGINNING ON JULY 1, 2013, INCLUDE ARCHIVED REVENUE AND EXPENDITURE DATA FOR THE PRIOR STATE FISCAL YEAR ONLY.

(3) THE ON-LINE DATABASE MUST NOT INCLUDE:

(a) ANY INFORMATION THAT IS NOT A PUBLIC RECORD OR THAT IS EXEMPT FROM DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE, OR PURSUANT TO PART 3 OF ARTICLE 72 OF THIS TITLE; OR

(b) ANY INFORMATION THAT IS CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

(4) THE DEPARTMENT OF TRANSPORTATION MAY INCLUDE ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES WILL INCREASE TRANSPARENCY.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated to the Governor-Lieutenant Governor-office of state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of fifty-four thousand five hundred thirty-eight dollars (\$54,538), or so much thereof as may be necessary, for computer programming services related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of transportation.

SECTION 6. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section

1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 2, 2011